

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**AMERICAN STATES INS. CO.,**

**Plaintiff,**

**v.**

**No. 13-cv-0670 SMV/LAM**

**BOBBY MARTINEZ; TINA MARTINEZ;  
BAR-M CONSTRUCTION, INC.; and  
PREMIER HEATING, AIR CONDITIONING  
AND ROOFING, INC.;**

**Defendants.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. On July 19, 2013, Plaintiff filed its Complaint [Doc. 1]. On July 23, 2013, Defendant Premier Heating, Air Conditioning and Roofing, Inc., was served with a summons and the Complaint. *See* [Doc. 7]. Defendant Premier Heating had 21 days to file a responsive pleading. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). To date, the record reflects no responsive pleading on behalf of Defendant Premier Heating, nor does it reflect any activity on part of Plaintiff to proceed with its claims against Defendant Premier Heating. Pursuant to D.N.M.LR-Civ. 41.1, “[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward.” Plaintiff has failed to develop its case against Defendants Premier Heating for over 90 days.

**IT IS THEREFORE ORDERED** that Plaintiff show cause no later than **January 10, 2014**, why its claims against Defendant Premier Heating should not be dismissed without prejudice for failure to prosecute under D.N.M.LR-Civ. 41.1.

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**